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Legislative History – Montana Session Law

Chapter: 346 Session L: 2009

Bill Number: HB 608

Checklist of Bill History

History and Final Status Sheet	☐
Introduced Bill	☑
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	**Senate**
Committee: Business & Labor	Committee: Local Government
Hearing Date(s): 2/19/2009	Hearing Date(s): 3/18/2009
Committee Report: 2/20/2009	Committee Report: 3/31/2009

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: June 3/2025

Notes: Audio/Video recordings can be found here: https://sg001-harmony.sliq.net/00309/Harmony/en

Thank you!

AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-18-101, MCA, is amended to read:

"27-18-101. Cases in which property may be attached. (1) Property may be attached in:

(a) an action upon a contract, express or implied, for the direct payment of money where the contract:

(i) is not secured by any mortgage or lien upon real property; or

(ii) is originally secured and such security has, without any act of the plaintiff or the person to whom the security was given, become valueless; ~~and~~

(b) an action based upon a statutory stockholders' liability; and

(c) an action by a local government for the purpose of ensuring debris removal if it is determined that the underlying property is worth less than the cost of debris removal.

(2) Attachment may not issue if the defendant gives security to pay the judgment.

(3) For the purpose of this section, the guaranty of a loan in which the only condition precedent to the obligation of the guarantor is the default of the principal is an unconditional contract for the direct payment of money."

Section 2. Section 27-18-202, MCA, is amended to read:

"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:

(1) facts which show the defendant is indebted to the plaintiff in the manner specified in 27-18-101(1);

(2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;

(3) facts creating a reasonable belief that the defendant:

(a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;

(b) is disposing or about to dispose of ~~his~~ property which would be subject to execution;

(c) has the power to dispose of or conceal or remove from the state property ~~which~~ that would be subject to execution; or

(d) is likely to suffer liens or encumbrances on ~~his~~ the defendant's property ~~which~~ that would be subject to execution;

(4) a particular description and the actual value of the property to be attached;

(5) facts creating a reasonable basis for a local government belief that the underlying property is worth less than the cost of debris removal."

Section 3. Section 27-18-203, MCA, is amended to read:

"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have~~ debt has become due, or upon a local government debris removal issue, when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

(1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which~~ that might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or

(2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government."

Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if ~~such~~ the amount ~~be~~ is $1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds $1,000, then in a sum equal to ~~such~~ that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of $20,000. The condition of ~~such~~ the undertaking ~~shall~~ must be to the effect that if the defendant recovers judgment or if the court finally decides that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant and all damages ~~he~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking."

Section 5. Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than $50 or more than $300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0608, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 608

INTRODUCED BY J. SESSO

AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/27/09	Chapter Number Assigned				
04/26/09	(H) Signed by Governor				
04/16/09	(H) Transmitted to Governor				
04/15/09	(S) Signed by President				
04/15/09	(H) Signed by Speaker				
04/14/09	(H) Returned from Enrolling				
04/09/09	(C) Printed - New Version Available				
04/09/09	(H) Sent to Enrolling				
04/09/09	(H) 3rd Reading Passed as Amended by Senate		74	25	
04/09/09	(H) Scheduled for 3rd Reading				
04/08/09	(H) 2nd Reading Senate Amendments Concurred		85	14	
04/08/09	(H) Scheduled for 2nd Reading				
04/02/09	(S) Returned to House with Amendments				
04/02/09	(S) 3rd Reading Concurred		46	3	
04/02/09	(S) Scheduled for 3rd Reading				
04/01/09	(S) 2nd Reading Concurred on Voice Vote		46	4	
04/01/09	(S) Scheduled for 2nd Reading				
03/31/09	(C) Printed - New Version Available				
03/31/09	(S) Committee Report--Bill Concurred as Amended	(S) Local Government			
03/31/09	(S) Committee Executive Action--Bill Concurred as Amended	(S) Local Government	9	0	
03/31/09	(S) Taken from Table in Committee	(S) Local Government			
03/28/09	(S) Tabled in Committee	(S) Local Government			
03/18/09	(S) Hearing	(S) Local Government			
03/11/09	(S) Hearing Canceled	(S) Local Government			
03/02/09	(S) Referred to Committee	(S) Local Government			
03/02/09	(S) First Reading				
02/25/09	(H) Transmitted to Senate				
02/25/09	(H) 3rd Reading Passed		85	15	
02/25/09	(H) Scheduled for 3rd Reading				
02/24/09	(H) 2nd Reading Passed		91	9	

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/24/09	(H) Scheduled for 2nd Reading				
02/23/09	(C) Printed - New Version Available				
02/23/09	(H) Committee Report--Bill Passed as Amended	(H) Business and Labor			
02/23/09	(H) Committee Executive Action--Bill Passed as Amended	(H) Business and Labor	15	3	
02/20/09	(H) Committee Vote Failed; Remains in Committee	(H) Business and Labor	9	9	
02/19/09	(H) Hearing	(H) Business and Labor			
02/13/09	(C) Introduced Bill Text Available Electronically				
02/13/09	(H) Referred to Committee	(H) Business and Labor			
02/13/09	(H) First Reading				
02/13/09	(H) Introduced				
02/13/09	(C) Draft Delivered to Requester				
12/30/08	(C) Draft Ready for Delivery				
12/22/08	(C) Draft in Assembly/Executive Director Review				
12/22/08	(C) Draft in Final Drafter Review				
12/22/08	(C) Bill Draft Text Available Electronically				
12/22/08	(C) Draft in Input/Proofing				
12/20/08	(C) Draft to Drafter - Edit Review [SAB]				
12/20/08	(C) Draft in Edit				
12/19/08	(C) Draft in Legal Review				
12/09/08	(C) Draft to Requester for Review				
12/05/08	(C) Draft Request Received				

HOUSE BILL NO. 608

INTRODUCED BY J. SESSO

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN ON INSURANCE PROCEEDS FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTION 33-24-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-24-104, MCA, is amended to read:

"33-24-104. ~~Tax lien~~ Government liens on insured property destroyed by fire. (1) If taxes are due and unpaid on property covered by fire insurance and damaged or destroyed by fire, the government entity owed the taxes has a lien on fire insurance proceeds paid in relation to that property in the amount of the unpaid taxes.

(2) A local government may execute a lien on the portion of insurance proceeds for debris removal if it is determined that the underlying property is worth less than the cost of debris removal and an appropriate local official declares the property to be a danger to the public.

(3) Once the property is rehabilitated and the appropriate official determines that there is no longer a danger to the public, the lien under subsection (2) is released."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Applicability.** [This act] applies to insurance policies entered into or renewed on or after [the effective date of this act].

- END -

HOUSE BILL NO. 608

INTRODUCED BY J. SESSO

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN ON INSURANCE PROCEEDS FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTION 33-24-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-24-104, MCA, is amended to read:

"33-24-104. ~~Tax lien~~ Government liens on insured property destroyed by fire. (1) If taxes are due and unpaid on property covered by fire insurance and damaged or destroyed by fire, the government entity owed the taxes has a lien on fire insurance proceeds paid in relation to that property in the amount of the unpaid taxes.

(2) ~~A~~ THE FIRE CHIEF, REPRESENTING AND ON BEHALF OF A local government, may execute a lien on the portion of insurance proceeds for debris removal if it is determined that the underlying property is worth less than the cost of debris removal and ~~an appropriate local official~~ THE FIRE CHIEF declares the property to be a danger to the public. ANY LIEN EXECUTED UNDER THE PROVISIONS OF THIS SUBSECTION (2) ARE JUNIOR TO A PERFECTED SECURITY INTEREST.

(3) Once the property is rehabilitated and the ~~appropriate official~~ FIRE CHIEF determines that there is no longer a danger to the public, the lien under subsection (2) is released."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Applicability.** [This act] applies to insurance policies entered into or renewed on or after [the effective date of this act].

- END -

HOUSE BILL NO. 608

INTRODUCED BY J. SESSO

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN ~~ON INSURANCE PROCEEDS~~ FOR PURPOSES OF DEBRIS REMOVAL; AMENDING ~~SECTION 33-24-104,~~ SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND AN APPLICABILITY DATE~~."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Third Reading Blue Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 27-18-101, MCA, is amended to read:

"27-18-101. Cases in which property may be attached. (1) Property may be attached in:

(a) an action upon a contract, express or implied, for the direct payment of money where the contract:

(i) is not secured by any mortgage or lien upon real property; or

(ii) is originally secured and such security has, without any act of the plaintiff or the person to whom the security was given, become valueless; ~~and~~

(b) an action based upon a statutory stockholders' liability; and

(c) an action by a local government for the purpose of ensuring debris removal if it is determined that the underlying property is worth less than the cost of debris removal.

(2) Attachment may not issue if the defendant gives security to pay the judgment.

(3) For the purpose of this section, the guaranty of a loan in which the only condition precedent to the obligation of the guarantor is the default of the principal is an unconditional contract for the direct payment of money."

Section 2. Section 27-18-202, MCA, is amended to read:

"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:

(1) facts which show the defendant is indebted to the plaintiff in the manner specified in 27-18-101(1);

(2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;

(3) facts creating a reasonable belief that the defendant:

(a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;

(b) is disposing or about to dispose of ~~his~~ property which would be subject to execution;

(c) has the power to dispose of or conceal or remove from the state property ~~which~~ that would be subject to execution; or

(d) is likely to suffer liens or encumbrances on ~~his~~ the defendant's property ~~which~~ that would be subject to execution;

(4) a particular description and the actual value of the property to be attached;

(5) facts creating a reasonable basis for a local government belief that the underlying property is worth less than the cost of debris removal."

Section 3. Section 27-18-203, MCA, is amended to read:

"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have~~ debt has become due, or upon a local government debris removal issue, when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

(1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which~~ that might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or

(2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government."

Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if ~~such~~ the amount ~~be~~ is $1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds $1,000, then in a sum equal to ~~such~~ that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of $20,000. The condition of ~~such~~ the undertaking ~~shall~~ must be to the effect that if the defendant recovers judgment or if the court finally decides that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be

awarded to the defendant and all damages ~~he~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking."

Section 5. Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than $50 or more than $300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking."

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

- END -

AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:

(1) facts which show the defendant is indebted to the plaintiff in the manner specified in 27-18-101(1);

(2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;

(3) facts creating a reasonable belief that the defendant:

(a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;

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(c) has the power to dispose of or conceal or remove from the state property ~~which~~ that would be subject to execution; or

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(4) a particular description and the actual value of the property to be attached;

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"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have~~ debt has become due, or upon a local government debris removal issue, when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

(1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which~~ that might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or

(2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government."

Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if ~~such~~ the amount ~~be~~ is $1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds $1,000, then in a sum equal to ~~such~~ that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of $20,000. The condition of ~~such~~ the undertaking ~~shall~~ must be to the effect that if the defendant recovers judgment or if the court finally decides that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant and all damages ~~he~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking."

Section 5. Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than $50 or more than $300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0608, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 608

INTRODUCED BY J. SESSO

AN ACT AUTHORIZING LOCAL GOVERNMENTS TO EXECUTE A LIEN FOR PURPOSES OF DEBRIS REMOVAL; AMENDING SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

EXHIBIT 7 BUH
DATE 2-19-09
HB 608

February 19, 2009

Dear Representative _____

On February 19th you will be hearing HB 608 in committee. This bill is very important to local governments to ensure dangerous burned out buildings are demolished in a timely manner. This legislation is needed as in many areas of the state the cost of demolition exceeds the value of the property. In these areas owners of burned buildings simply take the insurance proceeds leaving a dangerous building to be dealt with by the local government.

This exact scenario has occurred at various times in Glendive within the last few years. In one instance the owner walked away with the insurance proceeds leaving the liability to the City of Glendive. This building posed a real health and safety problem for the City as kids were playing in the basement of this structure. Even so it took many years and as many trips to court to get permission for the City to demolish the building. Costs associated with the demolition of this structure far outweigh the value of property thus the City taxpayer was left to pay the costs of demolition.

HB 608 allows the local government to place a lien on the insurance proceeds until the property is cleaned up. This bill will help ensure property owners do not simply take the money and run as has been done so many times in the past. Local governments do not want this money but rather need this legislation as an incentive to get property owners to clean up their own property.

Similar legislation has been brought forward in every session since 2005 with strong Insurance industry opposition. The Insurance industry has been instructed by previous legislators to work with local governments to resolve this problem. To date the problem still exists. It is far past time to pass legislation to resolve this problem. We urge you to support HB 608.

Sincerely,

Jerry Jimison
Mayor, City of Glendive

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Thursday, February 19, 2009 **Time:** 5:00 pm
Place: Capitol **Room:** 137

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 599, HB 603, HB 608, HB 609

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

COMMENTS:

REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 2/19/09

NAME	PRESENT	ABSENT/ EXCUSED
Rep. Michele Reinhart		/
Rep. Bill Beck	/	E (SB)
Rep. Elsie Arntzen		/
Rep. Shannon Augare	/	
Rep. Paul Beck	/	
Rep. Tom Berry		/
Rep. Carlie Boland	/	
Rep. John Fleming	/	
Rep. Timothy Furey	/	E (SB)
Rep. Chuck Hunter	/	
Rep. Harry Klock	/	
Rep. Mike Milburn	/	E (SB)
Rep. Pat Noonan	/	
Rep. Scott Reichner		/
Rep. Cary Smith	/	
Rep. Gordon Vance	/	
Rep. Jeffery Welborn	/	
Rep. Bill Wilson	/	

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/19/09

Bill No. HB 609 **Sponsor(s)** Rep. Hamilton

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Charlie Cromwell	Self	X		
Deb Chiddick	Self	X		
Denis Lapeck	AFHP		X	
Mary-Glynn Cromwell	self	X		
Larry Ginnings	Self	X		
Kimberly Gardner	Self	X		
Tonya Ask	Northwest		✓	
Bruce Spencer	Medco		✓	
John Mundy	SAO	X		
Frank Cote	BCBSMT		✓	
Susan Witte	Allegiance		✓	
Sheryl Wood	MACo		✓	
Connie Welsh	DoA			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/9/09

Bill No. SB99 **Sponsor(s)** Hamilton

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Denis Lopach	AHIP		X	
Gloria Hermanson	Self	✓		
CHRISTOPHER HARRIS	GSK	✓		
Tanya Ask	NewWest		✓	
John Maad	SAO	X		
FRANK Cote	BCBSMT		O	
DJ Smithson	ACS-CAN	✓		
Amei Cramer	Billings Chamber	✓		
SUSAN C. Witte	Allegiance		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/19/09

Bill No. HB608 **Sponsor(s)** Rep. Sesso

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Bob Gilbert	Glendive	X		
Bruce Spencer	PCI		X	
Jacqueline Denmark	AM. Fin. Assn		X	
Steve Yeakel	MT Independent Bankers		X	
Greg Hanser	State Farm Ins		X	
Alan Walker	MMIA	X		
Bob McCarthy	Butte	X		
DOUG NEAL	MT. ST. FIREMEN	X		
JEFF MILLER	BUTTE-SILVER BOW FD	X		
Jack Trethewey	MT. St. Council Prof. FF	X		
Alec Hansen	MLCT	X		
Steve Turkiewicz	Mt Bankers Assn		X	
Sheryl Wood	MACo	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/19/09

Bill No. HB603 **Sponsor(s)** Hollenbaugh

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Joe Waldorf	Riverside		✓	
Robert D Olson	Riverside		✓	
Rod Smith	Riverside		✓	
Curt Cooper T-Falls	Riverside		✓	
Alvin Richter	Riverside		✓	
Dennis Danckc	Carp. Union	✓		
Cary Hegreberg	Contractors		✓	
DARRELL HOLZER	Dept of Labor			✓
Sheryl Olson	Dept of Admin			✓
Ardine (Dean) Bjorke	Diamond Const		✓	
Aidan Myhre	MDU Resources		✓	
Tim Robertson	Century		✓	
Jon Bennion	MT Chamber		X	
Kim Rickard	Laborers #1686	✓	/	
Margaret Morgan	IEC		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2-19-09

Bill No. HB 603 **Sponsor(s)** _____

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Paul Tom	Riverside Corp,		X	
John Webster	John Webster		X	
Matt Padlik	Matt Padlik		X	
Drew Casey	Myself	X		
Basil Jackson	United Materials		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/19/09

Bill No. HB603 **Sponsor(s)** Rep. Hollenbaugh

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Derek Swank	Swank Enl		X	
Paul Henderson	Riverside		X	
Dave Schwindem	DLI	X		
[illegible]	[illegible]		X	
Kevin Covey	Highway Specialties		X	
Allen Ellington	Riverside Contracting		X	
Alice Pearce	RCI		X	
Bob Wilson	Riverside Const.		X	
Don Brimhall	RCI		X	
Terry Josephson	RCI		X	
Mark Kobes	JCC		X	
Doug Jackson	Jackson C.C.		X	
NATHAN MOON	JACKSON CONTRACTOR GRP		X	
Kevin Ferguson	Jackson Contractor		X	
Riley Pennings	D-CAT Const		X	
Jim Schmaltz	United Materials		X	
Dick Anderson	Dick Anderson Const		X	
Steve Schultz	MCA Trucks		X	
GARY WILSON	Johnson-Wilson Const		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Friday, February 20, 2009 **Time:** 7:00 am
Place: Capitol **Room:** 172

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 435	HB 618	HB 633	
HB 450	HB 621	HB 572	

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 451 P	HB 507 Tie		
HB 618 Table	HB 608 Tie		
HB 390 Tie	HB 589 Table		
HB 603 Tie	HB 633 Tie		

COMMENTS:

Bill Wilson
REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 2/20/09

NAME	PRESENT	ABSENT/ EXCUSED
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 451** (first reading copy – white) **do pass as amended**.

Signed: Bill Wilson
Representative Bill Wilson, Chair

And, that such amendments read:

1. Page 1, line 12 through line 13.
Following: "residence" on line 12
Strike: "or" on line 12 through "more" on line 13

- END -

Committee Vote:
Yes 14, No 4
Fiscal Note Required __

HB0451002SC.hjd

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **HB 589**, by motion, on **Friday, February 20, 2009**.

(For the Committee)

(Chief Clerk of the House)

(Time) (Date)

February 20, 2009 Santella Baglivo, Secretary Phone: 4457

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE BUSINESS AND LABOR COMMITTEE** TABLED **HB 618**, by motion, on **Friday, February 20, 2009**.

(For the Committee)

(Chief Clerk of the House)

_____ / _____
(Time) (Date)

April 3, 2009 Marshall C. McEwen, Secretary Phone: 4607

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 390 MOTION NO._____
MOTION: _____

Do pass Amendment # 03900l.a50

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 3960 MOTION NO. _____
MOTION: _____

Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9 - 9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20 BILL NO HB 507 MOTION NO. _____

MOTION: Do Pass Amendment # 050701.abc

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 507 MOTION NO. _____
MOTION: _____

DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9-9
Tie

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 589 MOTION NO._____
MOTION: Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	✓		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare		/	
Rep. Paul Beck		/	
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming		/	
Rep. Timothy Furey	/		
Rep. Chuck Hunter		/	
Rep. Harry Klock		/	
Rep. Mike Milburn		/	
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	/
Rep. Bill Wilson	/		

5-13

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 6133 MOTION NO.
MOTION: Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart		/	
Rep. Bill Beck	/		
Rep. Elsie Arntzen	/		
Rep. Shannon Augare		/	/
Rep. Paul Beck		/	
Rep. Tom Berry	/		
Rep. Carlie Boland		/	
Rep. John Fleming		/	
Rep. Timothy Furey		/	
Rep. Chuck Hunter		/	
Rep. Harry Klock	/		
Rep. Mike Milburn	/		/
Rep. Pat Noonan		/	
Rep. Scott Reichner	/		
Rep. Cary Smith	/		
Rep. Gordon Vance	/		
Rep. Jeffery Welborn	/		
Rep. Bill Wilson		/	

9-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB 603 MOTION NO._____
MOTION: DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		/
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	/
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 2/20/09 BILL NO HB608 MOTION NO._____
MOTION: _____

DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	/		
Rep. Bill Beck		/	
Rep. Elsie Arntzen		/	
Rep. Shannon Augare	/		/
Rep. Paul Beck	/		
Rep. Tom Berry		/	
Rep. Carlie Boland	/		
Rep. John Fleming	/		
Rep. Timothy Furey	/		
Rep. Chuck Hunter	/		
Rep. Harry Klock		/	
Rep. Mike Milburn		/	/
Rep. Pat Noonan	/		
Rep. Scott Reichner		/	
Rep. Cary Smith		/	
Rep. Gordon Vance		/	
Rep. Jeffery Welborn		/	
Rep. Bill Wilson	/		

9-9

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the BUSINESS & LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR. REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 633		X
HB 603	X	
HB 608	X	

BILL/AMENDMENT	AYE	NO

Rep. _____ (Signature) Date 2/20/09

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the BUSINESS & LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 618 to Table	X	

BILL/AMENDMENT	AYE	NO

Rep. Bill Wilson
(Signature)

Date 2/20/09

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the BUSINESS & LABOR

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 618 - to TABLE	X	

BILL/AMENDMENT	AYE	NO

Rep. Paul Beck
(Signature)

Date 2/20/09

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Resources & Tribes

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Dee Beel

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 584		✓

BILL/AMENDMENT	AYE	NO

Rep. Jeff Wellman
(Signature)

Date 2/20/07

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Bill Bell

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB - 633	✓	
603		✓
608		✓

BILL/AMENDMENT	AYE	NO

Rep. Mike (Signature)

Date 2/20/09

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Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 435 **Sponsor(s)** Rep. Wilmer

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Peggy Davis	DOA/SHRD	✓		
Vickie Amundson	MWL & BPW	✓		
Bertha Croghan	MWL/BPW	✓		
Stacey Scott	MWL/BPW	✓		
Jodi Medlar	Mt Women's Fnd.	✓		
Lindsey VanHemelryck	MWL/BPW	✓		
[illegible]	BPW	✓		
Susan Lubbers	AAUW MWL	✓		
Sydney Rick	Bozeman BPW	✓		
Debra Rosa	Bozeman BPW	✓		
Cheryl Scott	Bozeman BPW/MWL	✓		
Sally Babcock	MWB/BPW	✓		
Judy Hunter	BPW/MWL	✓		
Carol Lee Burk	AAUW/MWL	✓		
Robert Johnson	MT AFL-CIO	✓		
Anne Marie Quinn	MT Bioscience Alliance	✓		
Diane Sands	H.D. 95	✓		
Elizabeth Best	SEIU-9TF	✓		
[illegible]	[illegible]			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Terry Reed [redacted] Dept. of Labor X

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 450 **Sponsor(s)** Rep French

PLEASE PRINT	PLEASE PRINT	PLEASE PRINT		
WEBB BRAWN	MT CHAMBER		X	
Name and Address	**Representing**	**Support**	**Oppose**	**Inf.**
[illegible]	[illegible]	✓		
Peggy Davis	DOA/SHRD	✓		
STACEY SCOTT	MHL/BPW	✓		
Pat Simmons	MWL/BPW	✓		
Sally Bahrad	MWL/BPW	✓		
JAN STROUT	MWL/BPW	✓		
Lindsey VanHaverbeke	MWL/BPW	✓		
[illegible]	BPW	✓		
Susan Lubbers	AAUW MWL	✓		
Sydney Rice	BPW	✓		
CAROL SCOTT	BPW/MWL	✓		
Rita Schmidt	AAUW/MWL	✓		
Lynn Allison	AAUW/MWL	✓		
Judy Hertz	BPW/MWL	✓		
Cathy Reed	AAUW/MWL	✓		
Carolyn Roach	AAUW/MWL	✓		
[illegible]	[illegible]		✓	
Jodi Medlar	Women's Fnd of MT	✓		
Robert Johnson	MT AFL-CIO			X
DIANE SANDS	HD 95	✓		
Jerra Rich	Dept. of Labor			X
[illegible]	Self - QTF	✓		
Anne Marie Quinn	MT Bioscience Alliance	✓		
Ronda Wiggers	Great Falls/Helena Chamber			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 572 **Sponsor(s)** Rep. Pomnichowski

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
WEBB BROWN	MT CHAMBER	X		
Sally Babcock	Whitefish Council	X		
Pat Simmons	MWL/BPW	X		
CAROL SCOTT	MWL/BPW	X		
Anne Marie Quinn	MT Bioscience Alliance	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 618 **Sponsor(s)** Rep. Augare

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
[illegible]	[illegible]			
Dennis Logach	AHIP		X	
Steve Turkiewicz	State Bankers Trust		X	
Amee Grmoljez	Billings Clinic		X	
Tom Ask	New West		X	
Tom Allen	NAIFA-MT		X	
WEBB BROWN	MT CHAMBER		X	
Jacqueline Lenmark	AIA, ACLI		X	
[illegible]	PCI		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 621 **Sponsor(s)** Rep. Wilson

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Joe Briggs 5700 Ulm Pass Rd	Cascade County	X		
David Crum	McLaughlin Research	X		
Shauna Hellert	DOR			X
John Mayo	CCTA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

BUSINESS AND LABOR COMMITTEE **Date** 2/20/09

Bill No. HB 633 **Sponsor(s)** Rep. Butcher

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Joanne Wirsett	DLI - BSD			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 19, 2009 at 5:00 P.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: Rep. Michele Reinhart, Vice Chairwoman (D), Rep. Elsie Arntzen (R), Rep. Tom Berry (R), Rep. Scott Reichner (R)

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 608, 2/16/2009; HB 599, 2/16/2009; HB 603, 2/16/2009; HB 609, 2/16/2009

Executive Action: None

HEARING ON HB 599

Opening Statement by Sponsor:

00:01:11 Rep. Robin Hamilton (D), HD 92, opened the hearing on HB 599, Revise insurance laws to require same coverage for oral chemo as for intravenous.
EXHIBIT(buh39b01)

00:01:52 Rep. Furey enters.

Proponents' Testimony:

00:04:02 John Mudd, Executive Counsel, State Auditor's Office
00:04:24 Rep. J.P. Pomnichowski, HD 63
00:05:19 Gloria Hermanson, Self
00:06:24 Christopher Harris, Glaxo Smith Klein
00:08:22 Rep. B. Beck enters.
00:10:01 Jim Ahrens, American Society Cancer Action Network
00:11:24 Aimee Grmoljez, Billings Clinic

Opponents' Testimony:

00:13:04 Frank Cote, Blue Cross Blue Shield Montana
00:18:14 Susan Witte, General Counsel, Allegiance Benefit Plan Management, Allegiance Life and Health Insurance
00:19:52 Tanya Ask, New West Health Services
00:21:40 Dennis Lopach, America's Health Insurance Plans

Informational Testimony: None

Questions from Committee Members and Responses:

00:22:55 Rep. Hunter
00:23:30 Mr. Cote
00:24:09 Rep. Hunter
00:24:46 Mr. Cote
00:26:53 Rep. Hunter
00:27:16 Mr. Harris

00:29:27 Chairman Wilson
00:29:32 Mr. Harris
00:29:40 Rep. Fleming
00:29:52 Rep. B. Beck
00:30:11 Ms. Ask
00:31:07 Rep. Furey
00:31:34 Mr. Cote
00:32:40 Rep. Fleming
00:33:33 Mr. Cote
00:33:40 Rep. Fleming
00:33:46 Mr. Cote
00:34:02 Rep. Fleming
00:34:23 Mr. Harris
00:36:25 Chairman Wilson
00:36:49 Mr. Cote
00:37:53 Chairman Wilson
00:38:19 Mr. Cote

Closing by Sponsor:

00:38:28 Rep. Hamilton

00:39:28 Chairman Wilson calls a recess.
00:46:04 Vice Chairman Beck resumes hearing.

HEARING ON HB 603

Opening Statement by Sponsor:

00:46:34 Rep. Galen Hollenbaugh (D), HD 81, opened the hearing on HB 603, Authorize labor requirements in public works contracts.

Proponents' Testimony:

00:47:14 Evan Barrett, Chief Business Development Officer, Governor's Office
00:50:47 Dore Schwinden, Deputy Commissioner, Department of Labor and Industry
EXHIBIT(buh39b02)
00:53:06 Darrell Holzer, Department of Labor and Industry
00:56:19 Jim McGarvey, AFL-CIO
00:57:04 Jason Miller, International Brotherhood of Teamsters
00:58:22 Dennis Danake, Self
00:59:21 Dan Casey, Self
01:00:21 Kim Rickard, Business Manager, Local 1686
01:00:41 Don Judge, Self
EXHIBIT(buh39b03)

Opponents' Testimony:

01:02:23 Nathan Moon, Jackson Contractor Group, Missoula, Montana
01:03:36 Keith Fergus, Self, Missoula, Montana
01:05:36 Ardine Bjerke, Diamond Construction, Helena, Montana
EXHIBIT(buh39b04)
01:09:13 Lance Shick, Self
EXHIBIT(buh39b05)
01:10:49 Dick Anderson, Self
01:13:10 Gene Schadt, Montana Contractors Association Trust
01:16:30 Aidan Myhre, Montana Dakota Utilities
01:17:11 Tim Roberts, Centuries Company, Lewistown, Montana
01:17:56 John Webster, Self, Missoula, Montana
01:18:27 Derrick Swank, Swank Enterprises
01:18:47 Margaret Morgan, Greater Montana Electrical Workers
01:19:09 Jon Bennion, Montana Chamber of Commerce
EXHIBIT(buh39b06)
01:19:36 Cary Gray, Highway Specialist Incorporated, Great Falls, Montana
01:20:13 Jacobson, United Materials, Great Falls, Montana
01:20:32 Jim Schmechel, United Materials, Great Falls, Montana
01:20:52 Cary Hegerber, Montana Contractors Association

Informational Testimony:

01:21:31 Cheryl Olsen, Department of Administration

Questions from Committee Members and Responses:

01:22:17 Chairman Wilson
01:22:35 Mr. Judge
01:23:11 Chairman Wilson
01:23:18 Rep. Milburn enters.
01:23:23 Mr. Judge
01:23:41 Rep. B. Beck
01:24:06 Mr. Judge

Closing by Sponsor:

01:24:27 Rep. Hollenbaugh

01:27:16 Chairman Wilson calls a recess.
01:37:50 Chairman Wilson resumes hearing.

HEARING ON HB 608

Opening Statement by Sponsor:

01:37:55 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 608, Liability for cleanup of insured damaged property.

Proponents' Testimony:

01:40:22 Bob McCarthy, Self, Butte, Montana
01:42:45 Jeff Miller, Director of Fire Services, Butte Silver Bow County
01:44:02 Bob Gilbert, City of Glendive
EXHIBIT(buh39b07)
01:46:27 Alan Hulse, CEO Montana Municipal Insurance Authority
01:47:37 Sen. Steve Gallus, SD 37
01:48:22 Cheryl Wood, Montana Association of Counties
01:49:18 Alec Hansen, Montana League of Cities and Towns
01:52:48 Chairman Wilson
01:53:09 Rep. Sesso
01:53:49 Doug Neil, Montana State Firemen's Association
01:54:15 Jack Trethewey, Montana State Council of Professional Firefighters

Opponents' Testimony:

01:54:46 Greg Van Horssen, State Farm Insurance Company
02:02:38 Jacqueline Lenmark, American Insurance Association
02:06:13 Bruce Spencer, Property Casualty Insurers Association of America
02:07:17 Steve Turkiewicz, Montana Bankers Association
02:07:47 Steve Yeakel, Montana Independent Bankers

Informational Testimony: None

Questions from Committee Members and Responses:

02:08:14 Rep. Furey
02:08:44 Mr. Van Horssen
02:09:32 Rep. Furey
02:09:47 Mr. Van Horssen
02:10:30 Rep. B. Beck
02:11:05 Mr. Van Horssen
02:11:56 Rep. B. Beck
02:12:19 Mr. Van Horssen
02:12:53 Rep. Furey
02:13:20 Sen. Gallus

Closing by Sponsor:

02:14:35 Rep. Sesso

02:15:50 Chairman Wilson calls a recess.
02:19:22 Vice Chairman Beck resumes hearing.

HEARING ON HB 609

Opening Statement by Sponsor:

02:20:11 Rep. Robin Hamilton (D), HD 92, opened the hearing on HB 609, Insurer payment of prescription drug costs.

Proponents' Testimony:

02:21:52 Charlie Cromwell, Self
02:25:01 Debra Chittick-Ginnings, Self
02:34:38 Kimberly Gardner, Self
02:38:37 John Mudd, Executive Counsel, State Auditor's Office
02:40:09 Lawrence Ginnings, Self
02:43:02 Mary-Glynn Cromwell, Self

Opponents' Testimony:

02:45:33 Frank Cote, Blue Cross Blue Shield Montana
02:51:13 Tanya Ask, New West Health Services
02:53:58 Susan Witte, General Counsel, Allegiance Benefit Plan Management, Allegiance Life and Health Insurance
02:54:46 Dennis Lopach, America's Health Insurance Plans
02:55:35 Bruce Spence, Medco
02:56:06 Cheryl Wood, Montana Association of Counties

Informational Testimony: None

Questions from Committee Members and Responses:

02:57:03 Chairman Wilson
02:57:12 Mr. Ginnings
02:57:43 Chairman Wilson
02:58:23 Mr. Cote
02:58:33 Chairman Wilson
02:58:54 Mr. Cote
02:59:29 Chairman Wilson
02:59:38 Mr. Cote
03:00:01 Rep. Boland
03:01:47 Ms. Ask
03:04:06 Rep. Boland
03:04:37 Ms. Ask

03:05:15 Rep. Augare
03:05:42 Mr. Cote
03:05:49 Rep. Berry enters.
03:06:30 Rep. Augare
03:06:35 Mr. Cote
03:06:45 Rep. Augare
03:07:06 Mr. Cote
03:08:13 Rep. Augare
03:10:50 Mr. Cote
03:12:53 Rep. Augare
03:13:38 Mr. Cote
03:14:41 Rep. Smith
03:15:40 Mr. Cote
03:16:41 Rep. Smith
03:18:08 Mr. Cote
03:18:48 Rep. Smith
03:18:56 Mr. Cote
03:19:13 Chairman Wilson
03:20:09 Mr. Cote
03:20:17 Rep. Reichner enters.
03:20:46 Rep. Furey
03:21:58 Mr. Lopach

Closing by Sponsor:

03:23:24 Rep. Hamilton

ADJOURNMENT

03:24:55 Adjournment: 8:24 P.M.

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Santella Baglivo, Secretary

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Additional Documents:

EXHIBIT(buh39bad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chairman Bill Wilson, on February 20, 2009 at 7:25 A.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 435, 2/11/2009; HB 450, 2/11/2009; HB 618, 2/11/2009; HB 621, 2/11/2009; HB 633, 2/11/2009; HB 572, 2/11/2009

Executive Action: HB 451, HB 390, HB 507, HB 589, HB 618, HB 603, HB 608, HB 633

EXECUTIVE ACTION ON HB 451

00:00:42 **Motion**: Rep. Reinhart moved that **HB 451 DO PASS.**

00:01:24 **Motion**: Rep. Reinhart moved that **HB 451 BE AMENDED.** **EXHIBIT(buh40a01)**

Discussion:

00:01:40 Rep. Ebinger, HD 62
00:03:03 Rep. Reichner
00:04:01 Rep. Ebinger
00:04:22 Rep. Reichner
00:04:40 Rep. Ebinger

00:04:52 **Vote**: Motion carried unanimously by voice vote.

00:05:08 **Motion**: Rep. Reinhart moved that **HB 451 DO PASS AS AMENDED.**

00:05:20 **Vote**: Motion carried 14-4 by voice vote, with Rep. Milburn, Rep. Smith, Rep. Vance and Rep. Welborn voting no.

EXECUTIVE ACTION ON HB 390

00:05:57 **Motion**: Rep. Reinhart moved that **HB 390 DO PASS.**

00:06:11 **Motion**: Rep. Reinhart moved that **HB 390 BE AMENDED.** **EXHIBIT(buh40a02)**

Discussion:

00:10:46 Rep. Smith
00:11:11 Rep. Reinhart
00:11:44 Michael-Ann Caywood-Baerge
00:12:38 Rep. Smith
00:13:03 Rep. Reinhart
00:14:05 Rep. Arntzen

00:14:55 Rep. Reinhart
00:16:02 Rep. Reichner

00:16:36 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

Discussion:

00:17:23 Rep. Reinhart
00:19:10 Rep. Fleming
00:19:31 Rep. Smith

00:20:25 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

EXECUTIVE ACTION ON HB 507

00:21:33 **Motion**: Rep. Reinhart moved that **HB 507 DO PASS.**

00:22:57 **Motion**: Rep. Reinhart moved that **HB 507 BE AMENDED.** **EXHIBIT(buh40a03)**

Discussion:

00:24:01 Rep. B. Beck
00:25:11 Rep. Reinhart
00:25:35 Rep. Berry

00:26:30 Rep. Augare called the question.

00:26:42 Rep. Hunter

00:27:30 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

Discussion:

00:28:15 Rep. Milburn
00:29:44 Rep. Reinhart

00:30:13 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voted aye.

EXECUTIVE ACTION ON HB 589

00:31:12 **Motion**: Rep. Reinhart moved that **HB 589 DO PASS.**

00:32:31 **Vote**: Motion failed 5-13 by roll call vote with Rep. Boland, Rep. Furey, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Welborn voted by proxy.

00:33:45 **Motion/Vote**: Rep. Klock moved that **HB 589 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Welborn voted by proxy.

00:34:02 Chairman Wilson calls a recess.
00:47:08 Chairman Wilson resumes hearing.

HEARING ON HB 435

Opening Statement by Sponsor:

00:47:49 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 435, Close gender wage gap.
EXHIBIT(buh40a04)

Proponents' Testimony:

00:52:45 Rep. Betsy Hands, HD 99, Montana Democratic Women's Caucus
00:54:28 Sen. Carol Juneau, SD 8, Montana Democratic Women's Caucus
00:55:18 Elizabeth Besb, Attorney, Great Falls, Montana
00:56:12 Pat Simmons, President, Montana Business and Professional Women's Association
00:57:21 Stacey Scott, Self, Bozeman, Montana
00:58:06 Jan Strout, Self, Bozeman, Montana
00:59:02 Susan Lovers, Self, Billings
00:59:42 Coral Ann Bush, Self, Bozeman
01:00:50 Jodi Meldar, Self, Bozeman Montana
01:01:04 Peggy Davis, Bureau Chief, Human Resources Standards and Services Division, Department of Administration
01:01:31 Debra Rosa, Self, Bozeman, Montana
01:02:10 Robert Johnson, Montana AFL-CIO
01:02:33 Sally Babcock, Self, Bozeman, Montana
01:03:14 Carol Scott, Self, Bozeman, Montana

Opponents' Testimony: None

Informational Testimony:

01:04:09 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry

Questions from Committee Members and Responses:

01:04:35 Rep. Reinhart
01:04:45 Rep. Wilmer
01:06:35 Rep. Reinhart
01:06:50 Rep. Wilmer
EXHIBIT(buh40a05)
01:07:55 Rep. Reinhart
01:07:19 Ms. Davis
01:07:47 Rep. Smith
01:08:13 Mr. Keck
01:09:32 Rep. Smith
01:09:42 Mr. Keck
01:09:59 Rep. Reichner
01:10:26 Rep. Wilmer
01:11:03 Rep. Reichner
01:11:09 Rep. Reinhart
01:11:42 Rep. Smith
01:12:05 Mr. Keck
01:12:41 Rep. B. Beck
01:13:04 Mr. Keck
01:14:04 Rep. B. Beck
01:14:19 Mr. Keck
01:14:30 Rep. B. Beck
01:14:41 Mr. Keck
01:14:49 Rep. B. Beck
01:15:05 Mr. Keck
01:15:13 Rep. Hunter
01:15:47 Mr. Keck
01:16:12 Rep. Hunter
01:16:44 Ms. Davis
01:17:08 Rep. Hunter
01:17:18 Rep. Wilmer
01:17:25 Rep. Arntzen
01:18:05 Mr. Keck
01:18:35 Rep. Arntzen
01:18:56 Rep. Wilmer
01:19:24 Rep. Arntzen
01:19:54 Rep. Wilmer
01:21:39 Rep. Arntzen
01:21:50 Rep. Wilmer
01:22:03 Ms. Besb

01:23:07 Rep. Arntzen
01:23:13 Ms. Besb
01:23:25 Rep. Smith
01:23:44 Rep. Wilmer
01:24:20 Rep. Smith
01:24:28 Rep. Wilmer
01:24:46 Rep. Smith
01:25:03 Rep. Wilmer
01:25:29 Rep. Reinhart
01:26:02 Rep. Wilmer
01:27:33 Rep. Reinhart
01:27:41 Rep. Wilmer

Closing by Sponsor:

01:28:50 Rep. Wilmer

HEARING ON HB 450

Opening Statement by Sponsor:

01:32:35 Rep. Julie French (D), HD 36, opened the hearing on HB 450, Prohibit retaliation over job-related grievances.

EXHIBIT(buh40a06)

Proponents' Testimony:

01:39:38 Elizabeth Besb, Attorney, Great Falls, Montana
01:40:58 J.C. Weingartner, Director of Member Rights, MEA-MFT
01:42:50 Sen. Carol Juneau, SD 8, Montana Democratic Women's Caucus
01:43:09 Lynn Allison, Montana Women's Lobby
01:44:44 Rita Schmidtt, Self, Great Falls, Montana
01:45:43 Caroline Carouch, Self, Billings, Montana
01:46:39 Linda Gryczan, American Association of University Women
01:47:42 Peggy Davis, Bureau Chief, Human Resources Standards and Services Division, Department of Administration

Opponents' Testimony:

01:48:15 Ronda Wigger, Helena and Great Falls Chamber of Commerce
01:49:45 Webb Brown, Montana Chamber of Commerce
01:50:06 Bruce Spencer, Attorney, Helena, Montana

Informational Testimony:

01:52:22 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry

01:52:54 Robert Johnson, Montana AFL-CIO

Questions from Committee Members and Responses:

01:53:17 Rep. Boland
01:53:44 Mr. Johnson
01:54:01 Rep. Boland
01:54:56 Rep. Noonan
01:55:23 Mr. Brown
01:55:56 Rep. Reinhart
01:56:15 Rep. Wilmer
01:56:33 Mr. Keck
01:56:46 Rep. Reinhart
01:56:55 Mr. Keck
01:57:03 Rep. Reinhart
01:57:07 Mr. Keck
01:57:49 Rep. Reinhart
01:58:08 Rep. French

Closing by Sponsor:

01:59:41 Rep. French

02:00:25 Chairman Wilson calls a recess.
02:12:43 Chairman Wilson resumes hearing.

HEARING ON HB 572

Opening Statement by Sponsor:

02:14:34 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 572, Small Business Innovative Research.

Proponents' Testimony:

02:29:11 Anne Marie Quinn, Bio-Science Alliance, Bozeman, Montana
EXHIBIT(buh40a07)
02:39:07 Webb Brown, Montana Chamber of Commerce

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:41:00 Rep. Arntzen
02:41:18 Rep. Pomnichowski

02:42:46 Rep. Furey
02:43:31 Ms. Quinn
02:45:21 Rep. Furey
02:45:40 Rep. Quinn
02:45:44 Rep. B. Beck
02:46:17 Rep. Pomnichowski
02:47:54 Rep. B. Beck
02:48:05 Rep. Pomnichowski
02:49:00 Rep. Reinhart

Closing by Sponsor:

02:49:11 Rep. Pomnichowski

HEARING ON HB 618

Opening Statement by Sponsor:

02:51:25 Rep. Shannon Augare (D), HD 16, opened the hearing on HB 618, Require % of health insurance premiums spent on health care.

Proponents' Testimony:

02:54:00 Kim Abbott, Montana Human Rights Network

Opponents' Testimony: None

Informational Testimony:

02:54:32 John Mudd, Executive Counsel, State Auditor's Office

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:55:21 Rep. Augare

EXECUTIVE ACTION ON HB 618

02:55:36 **Motion/Vote**: Rep. Reichner moved that **HB 618 BE TABLED**. Motion carried unanimously by voice vote. Rep. Beck, Rep. Milburn, Rep. Welborn, Rep. Wilson voted by proxy.

02:55:58 Vice Chairwoman Reinhart calls a recess.
03:03:17 Chairman Wilson resumes hearing.

HEARING ON HB 633

Opening Statement by Sponsor:

03:03:39 Rep. Edward Butcher (R), HD 29, opened the hearing on HB 633, Require testing in English for professional and driver's licenses.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

03:07:45 Jeannie Worsech, Bureau Chief, Business and Professional Licencing Division, Department of Labor

Questions from Committee Members and Responses:

03:08:10 Rep. Smith
03:08:18 Rep. Butcher
03:08:45 Rep. Smith
03:09:06 Rep. Butcher
03:10:14 Rep. Fleming
03:10:51 Ms. Worsech

Closing by Sponsor:

03:11:00 Rep. Butcher

HEARING ON HB 621

Opening Statement by Sponsor:

03:11:49 Rep. Bill Wilson (D), HD 22, opened the hearing on HB 621, Authorize local government beer and wine license for certain facilities.

Proponents' Testimony:

03:13:14 Joe Briggs, Chairman, Cascade County Commission
EXHIBIT(buh40a08)
03:17:21 John Hayes, Cascade County Tavern Association, Great Falls, Montana

Opponents' Testimony: None

Informational Testimony:

03:18:42 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue

Questions from Committee Members and Responses:

03:19:43 Rep. Vance
03:20:03 Mr. Briggs
03:20:18 Rep. Arntzen
03:20:45 Ms. Helfert
03:21:14 Rep. Arntzen
03:21:19 Ms. Helfert

Closing by Sponsor:

03:21:49 Rep. Wilson

EXECUTIVE ACTION ON HB 633

03:24:07 **Motion**: Rep. Reinhart moved that **HB 633 DO PASS.**

Discussion:

03:24:16 Rep. Smith
03:24:54 Rep. Berry
03:25:26 Rep. Arntzen

03:25:35 **Vote**: Motion failed 9-9 by roll call vote with Rep. Arntzen, Rep. Beck, Rep. Berry, Rep. Klock, Rep. Milburn, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting aye. Rep. Augare and Rep. Milburn voted by proxy.

EXECUTIVE ACTION ON HB 603

03:27:16 **Motion**: Rep. Reinhart moved that **HB 603 DO PASS.**

Discussion:

03:27:31 Rep. B. Beck
03:28:12 Rep. P. Beck
03:28:38 Chairman Wilson

03:29:09 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Augare and Rep. Milburn voted by proxy.

EXECUTIVE ACTION ON HB 608

03:30:34 **Motion**: Rep. Reinhart moved that **HB 608 DO PASS**.

Discussion:

03:30:44 Rep. Klock
03:31:36 Rep. Reinhart
03:32:08 Rep. Klock
03:32:19 Chairman Wilson
03:32:32 Rep. Noonan
03:32:50 Rep. B. Beck
03:33:23 Chairman Wilson
03:33:31 Rep. Berry

03:34:12 **Vote**: Motion failed 9-9 by roll call vote with Rep. Augare, Rep. Beck, Rep. Boland, Rep. Fleming, Rep. Furey, Rep. Hunter, Rep. Noonan, Rep. Reinhart, and Rep. Wilson voting aye. Rep. Augare and Rep. Milburn voted by proxy.

Additional Discussion:

03:35:23 Rep. Noonan
03:35:35 Rep. Reichner
03:36:17 Chairman Wilson
03:37:11 Rep. Vance
03:37:18 Rep. Klock
03:37:27 Chairman Wilson

ADJOURNMENT

03:37:47 Adjournment: 11:02 A.M.

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Santella Baglivo, Secretary

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Additional Documents:

EXHIBIT(buh40aad.pdf)

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on March 18, 2009 at 3:00 P.M., in Room 405 Capitol

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: None

Members Absent: None

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 420; HB 466; HB 495; HB 608 3/2/2009
Executive Action:	SB 433 ~ TABLED

HEARING ON HB 608

Opening Statement by Sponsor:

00:00:41 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 608, Liability for cleanup of insured damaged property.

Proponents' Testimony:

00:04:22 Robert McCarthy, former County Attorney & City Attorney, Butte
00:06:54 Bob Gilbert, representing City of Glendive, City of Roundup, Musselshell County and Rosebud County
00:09:40 Sheryl Wood, Montana Association of Counties (MACo)
00:10:34 Jeffrey Miller, Director of Fire Services, Butte Silver Bow County
00:11:34 Alan Hulse, Chief Executive Officer, Montana Municipal Authority (MMIA)
00:12:42 Alec Hansen, League of Cities and Towns
00:14:55 Doug Neil, representing Montana State Firemen's Association (MSFA)

Opponents' Testimony:

00:15:53 Jacqueline Lenmark, representing American Insurance Association (AIA), also speaking for Greg Van Horssen, State Farm Insurance Companies
00:23:03 Bruce Spencer, representing Property Casualty Insurance Association of America(PCIA)
00:27:04 Dwight Easton, representing Farmers Insurance Group of Companies (FIG)

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:37 Sen. Laslovich
00:31:25 Dwight Easton, FIG
00:32:33 Sen. Laslovich
00:33:06 Doug Neil, MSFA
00:34:53 Sen. Laslovich
00:35:24 Rep. Sesso
00:38:29 Sen. Barkus
00:39:39 Robert McCarthy, Butte
00:43:53 Sen. Barkus
00:45:04 Dwight Easton
00:46:01 Sen. Gallus
00:46:42 Dwight Easton

Questions from Committee Members and Responses:(Con't)

00:48:49 Sen. Gallus
00:49:23 Jacqueline Lenmark, AIA
00:53:12 Sen. Essmann
00:54:11 Bruce Spencer, PCIA

Closing by Sponsor:

00:56:00 Rep. Sesso

HEARING ON HB 420

Opening Statement by Sponsor:

01:00:06 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 420, Allow local government to adopt energy conservation building codes.

Proponents' Testimony:

01:03:20 Alec Hansen, League of Cities and Towns
01:04:12 Dustin Stewart, Executive Director, Montana Building Industry Association (MBIA)
EXHIBIT(los60a01)
01:05:22 Matt Elsaesser, City Commissioner, Helena
01:05:51 Tyler Evilsizer, Chairman, S.A.V.E. Foundation
01:06:32 David Warner, Helena resident
01:07:34 William Selser, Helena resident
01:08:14 Kyla Wiens, Montana Environmental Information Center (MEIC)

Opponents' Testimony: None

Informational Testimony:

01:09:00 David Cook, Department of Labor and Industry

Questions from Committee Members and Responses:

01:09:16 Sen. Essmann
01:09:42 Dustin Stewart, MBIA
01:10:36 Sen. Laslovich
01:10:55 Dustin Stewart
01:11:38 Chairman Esp
01:11:56 Dustin Stewart

Closing by Sponsor:

01:14:09 Rep. Reinhart

HEARING ON HB 495

Opening Statement by Sponsor:

01:15:19 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 495, Clarify rights of residents association in mobile home parks.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:45 Sen. Essmann
01:18:22 Rep. Arntzen

Closing by Sponsor:

01:18:53 Rep. Arntzen

HEARING ON HB 466

Opening Statement by Sponsor:

01:20:08 Rep. Paul Beck (D), HD 59, opened the hearing on HB 466, Providing paid military leave for all public employees.
EXHIBIT(los60a02)

Proponents' Testimony:

01:22:25 Dan Antonietti, State Legislative Liaison, Veterans of Foreign Wars
01:23:01 Marco Ferro, MEA/MFT
01:24:13 Alec Hansen, League of Cities and Towns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:24:45 Sen. Jackson
01:25:32 Rep. Beck
01:27:32 Chairman Esp
01:28:00 Alec Hansen, League of Cities and Towns

Closing by Sponsor:

01:29:18 Rep. Beck

01:30:03 Recess

01:40:15 Reconvene (Absent from Committee: Sen. Barkus; Sen. Gallus; Sen. Erickson)

EXECUTIVE ACTION ON SB 433

Discussion:

01:40:47 Chairman Esp
EXHIBIT(los60a03)
01:41:57 Steve Wade, representing Montana Contractors Association (MCA)
01:47:13 Leanne Heisel, Legislative Services Division (LSD)
01:47:42 Chairman Esp
01:47:50 Richard Opper, Director, Department of Environmental Quality (DEQ)
01:49:25 Chairman Esp
EXHIBIT(los60a04)
01:49:41 Steve Wade, MCA

01:50:57 **Motion**: Sen. Tutvedt moved that **SB 433 DO PASS.**

01:51:04 **Motion**: Sen. Tutvedt moved that **SB 433 BE AMENDED.** (See Exhibit 3)

Discussion:

01:51:18 Sen. Gillan
01:54:39 Chairman Esp
01:55:14 Sen. Tutvedt

01:55:33 Sen. Gallus returned to committee meeting.

01:56:07 Sen. Laslovich
01:56:26 Chairman Esp

01:57:09 Sen. Erickson returned to committee meeting.

01:57:49 Tim Davis, Montana Smart Growth Coalition
01:58:24 Chairman Esp
01:59:13 Sen. Laslovich
01:59:26 John Alke, representing Knife River
02:00:10 Sen. Laslovich
02:01:22 Chairman Esp
02:02:00 Sen. Tutvedt
02:03:48 Sen. Erickson
02:05:14 Sen. Gillan
02:05:44 Jacqueline Fikkema, representing Knife River
02:05:59 Sen. Erickson
02:06:25 Richard Opper, DEQ

02:07:00 **Vote**: Motion carried 8-1 by roll call vote with Sen. Gillan voting no and Sen. Barkus voting by proxy.

02:08:22 Leanne Heisel, LSD
EXHIBIT(los60a05)
02:09:18 Chairman Esp
02:09:39 Sen. Tutvedt
02:10:09 Steve Wade, MCA
02:10:56 Leanne Heisel, LSD

02:11:43 **Motion**: Sen. Erickson moved that **SB 433 BE AMENDED.** (See Exhibit 5)

Discussion:

02:11:59 Sen. Tutvedt
02:12:37 Chairman Esp

02:12:55 **Vote**: Motion carried 7-2 by voice vote with Sens. Jackson and Tutvedt voting no and Sen. Barkus voting by proxy.

02:13:21 **Motion**: Sen. Gallus moved that **SB 433 DO PASS AS AMENDED.**

Discussion:

02:13:29 Sen. Gillan
02:15:12 Chairman Esp
02:17:22 Sen. Tutvedt

02:17:57 **Vote**: Motion failed 4-5 by roll call vote with Sens. Esp, Essmann, Jackson, and Tutvedt voting aye and Sen. Barkus voting by proxy. Without objection from the Committee, Chairman Esp requested that the bill be tabled and the vote reversed.

Committee Business:

02:18:49 Sen. Gillan

ADJOURNMENT

Adjournment: 5:00 P.M.

_____
Debra Polhemus, Secretary

dp

Additional Documents:

EXHIBIT(los60aad.pdf)

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on March 27, 2009 at 3:00 P.M., in Room 405 Capitol

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Ron Erickson (D)

Members Absent: None

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: NONE

Executive Action:

TABLED:	DO CONCUR AS AMENDED:
SB 522	SB 420
SB 608	SB 630
	SB 486

CONTINUED EXECUTIVE ACTION ON HB 420

(Previous executive action on March 25, 2009)

00:00:45 **Motion/Vote**: Sen. Essmann moved to **RECONSIDER PREVIOUS ACTION** on **SB 420.** Motion carried unanimously by voice vote of those present and voting.

00:01:23 **Motion**: Sen. Essmann moved that **HB 420 BE AMENDED.** **EXHIBIT(los68a01)**

Discussion:

00:02:29 Chairman Esp

00:02:52 **Vote**: Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.

00:03:12 **Motion/Vote**: Sen. Essmann moved that **HB 420 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote with Sen. Erickson voting by proxy. Sen. Erickson will carry HB 420.

Committee Business:

00:03:59 Sen. Gillan (Introduction of guests)

EXECUTIVE ACTION ON HB 630

00:04:54 **Motion**: Sen. Essmann moved that **HB 630 BE CONCURRED IN.**

00:05:30 **Motion**: Sen. Essmann moved that **HB 630 BE AMENDED.** **EXHIBIT(los68a02)**

Discussion:

00:06:11 Chairman Esp
00:07:11 Sen. Gillan
00:07:54 Chairman Esp
00:08:59 John MacDonald, City of Missoula
00:11:06 Sen. Barkus
00:12:00 John MacDonald, Missoula
00:14:10 Sen. Essmann
00:15:45 Sen. Barkus
00:15:52 Chairman Esp
00:16:40 Sen. Essmann
00:17:27 Sen. Gillan
00:17:36 Sen. Gallus left committee meeting
00:18:17 Chairman Esp

00:18:55 **Vote**: Motion carried 5-4 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting no with Sen. Gallus and Erickson voting by proxy.

00:19:38 **Motion/Vote**: Sen. Essmann moved that **HB 630 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote with Sens. Gallus and Erickson voting by proxy. Chairman Esp will carry HB 630.

EXECUTIVE ACTION ON HB 486

00:22:11 **Motion**: Sen. Essmann moved that **HB 486 BE CONCURRED IN**.

00:22:21 **Motion**: Sen. Essmann moved that **HB 486 BE AMENDED.** **EXHIBIT(los68a03)**

Discussion:

00:23:19 Chairman Esp
00:26:33 Sen. Gillan
00:26:46 Chairman Esp

00:26:58 **Vote**: Motion carried unanimously by voice vote with Sens. Gallus and Erickson voting by proxy. (NOTE: While Sen. Erickson's proxy vote was an "aye", Sen. Erickson requested at the March 30, 2009, Senate Local Government meeting that this vote be changed to a "no" vote. There was no objection from the committee to this request and the change did not affect the outcome.) Thus, the adjusted minutes will read:

00:26:58 **Vote**: Motion carried 8-1 by voice vote with Sen. Erickson voting no by proxy.

00:28:07 **Motion**: Sen. Essmann moved that **HB 486 BE AMENDED.** **EXHIBIT(los68a04)**

Discussion:

00:28:36 Chairman Esp
00:29:17 Sen. Tutvedt
00:29:35 Sen. Gillan

00:29:56 **Vote**: Motion failed 2-7 by voice vote with Sens. Esp and Sen. Essmann voting aye and Sens. Gallus and Erickson voting by proxy.

00:30:36 Sen. Gallus returned to committee meeting

00:30:55 **Motion/Vote**: Sen. Gillan moved that **HB 486 BE AMENDED.** Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.
EXHIBIT(los68a05)

00:33:25 **Motion**: Sen. Gillan moved that **HB 486 BE AMENDED.**
EXHIBIT(los68a06)

Discussion:

00:33:53 Sen. Gillan
00:35:03 Chairman Esp
00:35:20 Leanne Heisel, Legislative Services Division (LSD)

00:35:32 **Vote**: Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.

00:36:28 **Motion**: Sen. Jackson moved that **HB 486 BE AMENDED.**
EXHIBIT(los68a07)

Discussion:

00:36:58 Sen. Jackson
00:37:15 Chairman Esp
00:37:39 Tim Davis, representing Montana Smart Growth Coalition (MSGC)

00:38:24 **Vote**: Motion failed 1-8 by voice vote with Sen. Jackson voting aye and Sen. Erickson voting by proxy.

00:38:58 **Motion**: Sen. Essmann moved that **HB 486 BE CONCURRED IN AS AMENDED.**

00:40:35 **Motion**: Sen. Essmann moved that **HB 486 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to change the time period from 4 months to 6 months.

Discussion:

00:41:19 Sen. Gillan
00:42:03 Tim Davis, MSGC
00:43:05 Sen. Gillan
00:43:26 Sen. Essmann
00:43:56 Sen. Laslovich
00:44:15 Sen. Essmann
00:44:23 Sen. Laslovich
00:44:59 Sen. Gillan
00:45:20 Leanne Heisel, LSD
00:45:52 Sen. Gillan

00:46:27 **Vote**: Motion carried 7-2 by voice vote with Sens. Erickson and Gillan voting no with Sen. Erickson voting by proxy.

00:47:08 **Motion**: Sen. Essmann moved that **HB 486 BE CONCURRED IN AS AMENDED.**

Discussion:

00:47:20 Sen. Gillan
00:47:35 Chairman Esp

00:47:44 **Vote**: Motion carried unanimously by voice vote with Sen. Erickson voting by proxy. Sen. Esp will carry HB 486.

EXECUTIVE ACTION ON HB 608

00:48:51 **Motion**: Sen. Gallus moved that **HB 608 BE CONCURRED IN.**

00:49:00 **Motion**: Sen. Gallus moved that **HB 608 BE AMENDED.** **EXHIBIT(los68a08)**

Discussion:

00:49:26 Leanne Heisel
00:49:52 Sen. Gallus
00:50:41 Sen. Essmann
00:51:29 Sen. Gallus

00:53:03 **Vote**: Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.

00:53:21 **Motion**: Sen. Gallus moved that **HB 608 BE CONCURRED IN AS AMENDED.**

Discussion:

00:53:30 Sen. Tutvedt
00:53:50 Sen. Gallus
00:54:59 Sen. Tutvedt
00:55:21 Sen. Laslovich
00:56:15 Chairman Esp
00:58:00 Sen. Gallus
00:59:25 Sen. Essmann
01:00:38 Sen. Gallus
01:00:49 Chairman Esp

01:01:04 **Vote**: Motion failed 4-5 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting aye and Sen. Erickson voting by proxy. Without objection from the committee, Chairman Esp requested that the bill be tabled and the vote reversed.

Committee Business:

01:02:43 Chairman Esp

EXECUTIVE ACTION ON HB 522

01:03:32 **Motion**: Sen. Laslovich moved that **HB 522 BE CONCURRED IN.**

01:04:26 **Motion**: Sen. Gillan moved that **HB 522 BE AMENDED.** **EXHIBIT(los68a09)**

Discussion:

01:04:54 Leanne Heisel

01:05:22 **Vote**: Motion carried 8-1 by voice vote with Sen. Gallus voting no with Sen. Erickson voting by proxy.

Discussion:

01:05:55 Chairman Esp

01:06:30 **Substitute Motion/Vote**: Sen. Tutvedt made a substitute motion that **HB 522 BE TABLED.** Substitute motion carried 6-3 by roll call vote with Sens. Erickson, Gallus, and Laslovich voting no and Sen. Erickson voting by proxy.

Committee Business:

01:07:44 Chairman Esp

ADJOURNMENT

Adjournment: 4:40 P.M.

_____
Debra Polhemus, Secretary

dp

Additional Documents:

EXHIBIT(los68aad.pdf)

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on March 30, 2009 at 3:00 P.M., in Room 405 Capitol

ROLL CALL

Members Present:
Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Kim Gillan (D)

Members Absent: None

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: NONE

Executive Action: HB 449 ~ DO CONCUR AS AMENDED
HB 608 ~ DO CONCUR AS AMENDED

EXECUTIVE ACTION ON HB 449

00:01:20 **Motion**: Sen. Gallus moved that **HB 449 BE CONCURRED IN.**

00:02:02 **Motion**: Sen. Essmann moved that **HB 449 BE AMENDED.**
EXHIBIT(los70a01)

Discussion:

00:02:23 Chairman Esp

00:03:30 **Vote**: Motion carried unanimously by voice vote with Sen. Gillan voting by proxy.

00:04:03 **Motion/Vote**: Sen. Barkus moved that **HB 449 BE AMENDED.** Motion carried unanimously by voice vote with Sen. Gillan voting by proxy.
EXHIBIT(los70a02)

00:05:01 **Motion**: Sen. Gallus moved that **HB 449 BE CONCURRED IN AS AMENDED.**

Discussion:

00:05:21 Sen. Essmann
00:05:28 Chairman Esp
00:05:52 Sen. Tutvedt

00:06:34 **Vote**: Motion carried unanimously by voice vote with Sen. Gillan voting by proxy. Sen. Gallus will carry HB 449.

Committee Business:

00:07:42 Sen. Erickson
00:08:01 Chairman Esp

ADDITIONAL EXECUTIVE ACTION ON HB 608

00:10:47 **Motion**: Sen. Laslovich moved to **RECONSIDER THE PREVIOUS ACTION TO TABLE HB 608.**

Discussion:

00:11:09 Sen. Laslovich
00:11:50 Chairman Esp

00:12:02 **Vote**: Motion carried unanimously by voice vote of those present and voting.

00:12:21 **Motion**: Sen. Laslovich moved that **HB 608 BE CONCURRED IN.**

00:12:29 **Motion**: Sen. Laslovich moved that **HB 608 BE AMENDED.** **EXHIBIT(los70a03)**

Discussion:

00:12:36 Sen. Laslovich
00:15:05 Chairman Esp
00:15:19 Sen. Laslovich
00:17:33 Chairman Esp
00:18:00 Sen. Essmann
00:18:45 Sen. Tutvedt
00:19:03 Bruce Spencer, representing Property Casualty Insurers Association of America (PCIAA)
00:22:28 Sen. Tutvedt
00:22:59 Bruce Spencer, PCIAA
00:24:01 Sen. Tutvedt
00:24:22 Bruce Spencer
00:24:52 Sen. Barkus
00:25:15 Bruce Spencer
00:26:16 Sen. Barkus
00:26:24 Sen. Gallus

00:26:48 **Vote**: Motion carried unanimously by voice vote with Sen. Gillan voting by proxy.

00:27:10 **Motion**: Sen. Laslovich moved that **HB 608 BE CONCURRED IN AS AMENDED.**

Discussion:

00:27:19 Sen. Essmann
00:27:32 Chairman Esp

00:27:58 **Vote**: Motion carried unanimously by voice vote with Sen. Gillan voting by proxy. Sen. Laslovich will carry HB 608.

ADJOURNMENT

Adjournment: 4:00 P.M.

_____
Debra Polhemus, Secretary

dp

Additional Documents:

EXHIBIT(los70aad.pdf)

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Wednesday, March 18, 2009 **Time:** 3:00 P.M.
Place: Capitol **Room:** 405

BILLS and RESOLUTIONS HEARD:

HB 420 ~ HB 466 ~ HB 495 ~ HB 608

EXECUTIVE ACTION TAKEN:

SB 433 - Tabled

COMMENTS:

SEN. John Esp, Chairman

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT COMMITTEE

DATE: March 18, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman John Esp	✓	
Vice Chair Jeff Essmann	✓	
Senator Gregory Barkus	✓	
Senator Ron Erickson	✓	
Senator Steve Gallus	✓	
Senator Kim Gillan	✓	
Senator Verdell Jackson	✓	
Senator Jesse Laslovich	✓	
Senator Bruce Tutvedt	✓	

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 433**, by motion, on **Wednesday, March 18, 2009**.

(For the Committee)

(Secretary of the Senate)

7:30 / 3/19
(Time) (Date)

March 18, 2009 Debra L. Polhemus, Secretary Phone: 4685

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 3.18.09
Bill No.: SB433

Motion: SB433 be amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan		✓	
Sen. Gregory Barkus	✓		✓
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt	✓		
Chairman John Esp	✓		

VOTE: 8-1

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 3.18.09
Bill No.: SB433

Motion: Do Pass As Amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan		✓	
Sen. Gregory Barkus		✓	✓
Sen. Ron Erickson		✓	
Sen. Steve Gallus		✓	
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich		✓	
Sen. Bruce Tutvedt	✓		
Chairman John Esp	✓		

VOTE: 4-5 fails

Reverse's Table

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Local Government committee because of other commitments. I desire to leave my proxy vote with:

Jeff Essmann

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 433		
(#0330) be amended	✓	
(#3308) be amended	✓	
DPAA		✓

BILL/AMENDMENT	AYE	NO

Sen. _____ (Signature)

Barkus

Date 3/18/09

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VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: March 18, 2009 Bill No: HB 466

Sponsor(s): Rep. Paul Beck

(Providing paid military leave for all public employees)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
DAN ANTONIETTI	VFW	X		
Marco Ferro	MEA-MFT	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: March 18, 2009 Bill No: HB 495

Sponsor(s): Rep. Elsie Arntzen

(Clarify rights of residents association in mobile home parks)

Please print ~ Please print ~ Please print

NAME	**REPRESENTING**	*Support*	*Oppose*	*Informt'l*

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: March 18, 2009 Bill No: HB 420

Sponsor(s): Rep. Michele Reinhart

(Allow local government to adopt energy conservation building codes)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Dustin Stewart	MBIA	✓		
MATT OLSMESSER	SAVE	✓		
David Warner	Helena Citizen	✓		
DAVID COOK	DLI			✓
Will Selser	self	✓		
Tyler Finkbeiner	SAVE	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: March 18, 2009 Bill No: HB 608

Sponsor(s): Rep. Jon Sesso

(Liability for cleanup of insured damaged property)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Bruce Spencer	PCL		X	
Shaye Wood	MACO	X		
Alan Hulse	MMIA	X		
Robert McCarthy	Bath	X		
JEFF MELLOR	BUTTE - SILVER BOW	X		
Jacqueline Gennarelli	AIA		X	
Jeff Van Horssen/JTL	State Farm		X	
Doug Fenton	Farmers Ins		X	
Bob Gilbert	Glendive Cattlemen	X		
Dave Neil	MT ST FF's	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 8
DATE 3.27.09
BILL NO. HB608

Amendments to House Bill No. 608
3rd Reading Copy

Requested by Senator John Esp

For the Senate Local Government Committee

Prepared by Leanne Heisel
March 26, 2009 (2:08pm)

1. Page 1, line 14.
Following: "(2)"
Insert: "(a)"

2. Page 1.
Following: line 18
Insert: "(b) The lien must be filed with the county clerk and recorder, and the clerk and recorder shall notify the property owner that the lien has been filed. The amount of the lien is limited to the debris removal portion of the insurance policy or 10% of the insurance proceeds if the policy does not specifically cover debris removal."

- END -

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Friday, March 27, 2009 **Time:** 3:00 P.M.
Place: Capitol **Room:** 405

BILLS and RESOLUTIONS HEARD:

NONE

EXECUTIVE ACTION TAKEN:

HB420 Do Concur As Amended
HB630 Do Concur As Amended
HB486 Do Concur As Amended
HB522 Tabled
HB608 Tabled

COMMENTS:

SEN. John Esp, Chairman

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT COMMITTEE

DATE: March 27th, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman John Esp	✓	
Vice Chair Jeff Essmann	✓	
Senator Gregory Barkus	✓	
Senator Ron Erickson	~~✓~~	✓
Senator Steve Gallus	✓	
Senator Kim Gillan	✓	
Senator Verdell Jackson	✓	
Senator Jesse Laslovich	✓	
Senator Bruce Tutvedt	✓	

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 3.27.09
Bill No.: HB630

Motion: be amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan		✓	
Sen. Ron Erickson		✓	✓
Sen. Steve Gallus		✓	✓
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich		✓	
Sen. Bruce Tutvedt	✓		
Sen. Gregory Barkus	✓		
Chairman John Esp	✓		

VOTE: 5-4

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 3-27-09
Bill No.: HB608

Motion: Be Concurred In As Amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann		✓	
Sen. Kim Gillan	✓		
Sen. Ron Erickson	✓		✓
Sen. Steve Gallus	✓		
Sen. Verdell Jackson		✓	
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt		✓	
Sen. Gregory Barkus		✓	
Chairman John Esp		✓	

Mot. to Table - VOTE: 4-5 fails

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 3.27.05
Bill No.: HB522

Motion: Table

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan	✓		
Sen. Ron Erickson		✓	✓
Sen. Steve Gallus		✓	
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich		✓	
Sen. Bruce Tutvedt	✓		
Sen. Gregory Barkus	✓		
Chairman John Esp	✓		

VOTE: 6-3

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 420** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator John Esp, Chair

To be carried by Senator Ron Erickson

And, that such amendments read:

1. Page 2, line 25.
Following: "adopt"
Insert: "voluntary"
Strike: "BASED ON"
Insert: "for the purpose of"

2. Page 4, line 26.
Following: "adopt"
Insert: "voluntary"

3. Page 4, line 27.
Strike: "BASED ON"
Insert: "for the purpose of"

4. Page 5, line 25.
Following: "adopt"
Insert: "voluntary"

5. Page 5, line 26.
Strike: "BASED ON"
Insert: "for the purpose of"

6. Page 6, line 28.

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

HB0420002SC05157.sdr

Following: "with the"
Insert: "voluntary"

7. Page 6, line 29 through page 7, line 3.
Strike: ":" on page 6, line 29 through "INCENTIVE" on page 7, line 3
Insert: "the building meets or exceeds those standards"

- END -

SENATE STANDING COMMITTEE REPORT

March 27, 2009

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 630** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator John Esp, Chair

To be carried by Senator John Esp

And, that such amendments read:

1. Title, lines 9 and 10.
Strike: "EXCLUDING" on line 9 through "LEVIES;" on line 10

2. Title, line 11.
Following: "7-12-4225,"
Insert: "AND"

3. Title, line 12.
Strike: "AND 15-10-420,"

4. Page 9, line 22 through page 11, line 28.
Strike: section 9 in its entirety
Renumber: subsequent section

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

HB0630001SC02650.sdr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 486** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____
Senator John Esp, Chair

To be carried by Senator John Esp

And, that such amendments read:

1. Title, line 4.
Strike: "ANNEXATION AND SUBDIVISION"
Insert: "LAND USE"
Following: "LAWS;"
Insert: "CLARIFYING SUBDIVISION REVIEW FOR CONDOMINIUMS; INCLUDING SAND AND GRAVEL RESOURCES AMONG THE ITEMS THAT MUST BE MAPPED IN A GROWTH POLICY;"

2. Title, line 7.
Following: "CONDITION;"
Insert: "PROVIDING PENALTIES FOR VIOLATION OF CERTAIN ZONING REGULATIONS; REQUIRING A COUNTY TO ATTEMPT TO OBTAIN COMPLIANCE WITH ZONING REGULATIONS BEFORE FILING A COMPLAINT; REVISING PUBLIC NOTICE REQUIREMENTS FOR ZONING AND REQUIRING PUBLIC NOTICE FOR INTERIM ZONING;"

3. Title, line 10.
Following: "SECURITY;"
Insert: "PROVIDING THAT A PARK DEDICATION MAY NOT BE REQUIRED FOR A FIRST MINOR SUBDIVISION FROM A TRACT OF RECORD;"

4. Title, line 11.
Following: "70-23-301,"

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

Insert: "76-1-601,"
Following: "76-2-107,"
Insert: "76-2-113,"
Following: "76-2-205,"
Insert: "76-2-206, 76-2-210,"

5. Title, line 12.
Following: "76-3-507,"
Insert: "76-3-510,"
Following: "76-3-620,"
Insert: "76-3-621,"

6. Page 3.
Following: line 1
Insert: "Section 2. Section 76-1-601, MCA, is amended to read:

"76-1-601. Growth policy -- contents. (1) A growth policy may cover all or part of the jurisdictional area.

(2) The extent to which a growth policy addresses the elements listed in subsection (3) is at the full discretion of the governing body.

(3) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:

(i) land uses;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) public facilities;

(vii) natural resources; ~~and~~

(viii) sand and gravel resources; and

~~(viii)~~ (ix) other characteristics and features proposed by the planning board and adopted by the governing bodies;

(c) projected trends for the life of the growth policy for each of the following elements:

(i) land use;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) natural resources; and

(vii) other elements proposed by the planning board and adopted by the governing bodies;

(d) a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsection (3)(a);

(e) a strategy for development, maintenance, and replacement of public infrastructure, including drinking water

systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges;

(f) an implementation strategy that includes:

(i) a timetable for implementing the growth policy;

(ii) a list of conditions that will lead to a revision of the growth policy; and

(iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;

(g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:

(i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;

(ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

(h) a statement explaining how the governing bodies will:

(i) define the criteria in 76-3-608(3)(a); and

(ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a);

(i) a statement explaining how public hearings regarding proposed subdivisions will be conducted; and

(j) an evaluation of the potential for fire and wildland fire in the jurisdictional area, including whether or not there is a need to:

(i) delineate the wildland-urban interface; and

(ii) adopt regulations requiring:

(A) defensible space around structures;

(B) adequate ingress and egress to and from structures and developments to facilitate fire suppression activities; and

(C) adequate water supply for fire protection.

(4) A growth policy may:

(a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.

(b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

(c) establish an infrastructure plan that, at a minimum, includes:

(i) projections, in maps and text, of the jurisdiction's growth in population and number of residential, commercial, and industrial units over the next 20 years;

(ii) for a city, a determination regarding if and how much of the city's growth is likely to take place outside of the city's existing jurisdictional area over the next 20 years and a plan of how the city will coordinate infrastructure planning with the county or counties where growth is likely to take place;

(iii) for a county, a plan of how the county will coordinate infrastructure planning with each of the cities that project growth outside of city boundaries and into the county's

jurisdictional area over the next 20 years;

(iv) for cities, a land use map showing where projected growth will be guided and at what densities within city boundaries;

(v) for cities and counties, a land use map that designates infrastructure planning areas adjacent to cities showing where projected growth will be guided and at what densities;

(vi) using maps and text, a description of existing and future public facilities necessary to efficiently serve projected development and densities within infrastructure planning areas, including, whenever feasible, extending interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other municipal public facilities throughout the infrastructure planning area. For the purposes of this subsection (4)(c)(vi), public facilities include but are not limited to drinking water treatment and distribution facilities, sewer systems, wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public access areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency services;

(vii) a description of proposed land use management techniques and incentives that will be adopted to promote development within cities and in an infrastructure planning area, including land use management techniques and incentives that address issues of housing affordability;

(viii) a description of how and where projected development inside municipal boundaries for cities and inside designated joint infrastructure planning areas for cities and counties could adversely impact:

(A) threatened or endangered wildlife and critical wildlife habitat and corridors;

(B) water available to agricultural water users and facilities;

(C) the ability of public facilities, including schools, to safely and efficiently service current residents and future growth;

(D) a local government's ability to provide adequate local services, including but not limited to emergency, fire, and police protection;

(E) the safety of people and property due to threats to public health and safety, including but not limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;

(F) natural resources, including but not limited to forest lands, mineral resources, <u>sand and gravel resources,</u> streams, rivers, lakes, wetlands, and ground water; and

(G) agricultural lands and agricultural production; and

(ix) a description of measures, including land use management techniques and incentives, that will be adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).

(5) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter.""
Renumber: subsequent sections

7. Page 3, line 13.
Strike: "60 days"
Insert: "6 months"

8. Page 4.
Following: line 18
Insert: "NEW SECTION. **Section 6. Violations and penalties.** A violation of this part or of a resolution adopted pursuant to this part is a misdemeanor and is punishable by a fine of up to $500 or by imprisonment in the county jail for a term not exceeding 6 months, or both. The violation is an absolute liability offense as provided for in 45-2-104."
Insert: "Section 7. Section 76-2-113, MCA, is amended to read:
"76-2-113. Enforcement of zoning provisions. (1) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or of any resolution adopted under this part, the county, in addition to other remedies, may take any appropriate action or begin proceedings to:
~~(1)~~(a) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
~~(2)~~(b) restrain, correct, or abate a violation;
~~(3)~~(c) prevent the occupancy of a building, structure, or land; or
~~(4)~~(d) prevent any illegal act, conduct, business, or use in or near the premises.
(2) The county shall attempt to obtain voluntary compliance at least 30 days before filing a complaint for a violation of this part that is subject to the penalties under [section 6].""
Renumber: subsequent sections

9. Page 4, line 30.
Strike: "60 days"
Insert: "6 months"

10. Page 6, lines 21 and 22.
Strike: "must" on line 21 through "notice" on line 22
Following: "must" on line 22
Insert: ": (a)"

11. Page 6, line 23.

Strike: "(a)"
Insert: "(i)"

12. Page 6, line 24.
Strike: "(b)"
Insert: "(ii)"

13. Page 6, line 25.
Strike: "(c)"
Insert: "(iii)"

14. Page 6, line 26.
Strike: "(d)"
Insert: "(iv)"

15. Page 6, line 27.
Following: "recorder"
Insert: ";
(b) be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and
(c) be published once a week for 2 weeks in a newspaper of general circulation within the county"

16. Page 7.
Following: line 20
Insert: "Section 11. Section 76-2-206, MCA, is amended to read:
"76-2-206. Interim zoning map or regulation. (1) ~~The~~ Subject to subsection (3), the board of county commissioners may ~~adopt~~ establish an interim zoning ~~map~~ district or interim regulation as an emergency measure in order to promote the public health, safety, morals, and general welfare if:
(a) the purpose of the interim zoning ~~map~~ district or interim regulation is to classify and regulate those uses and related matters that constitute the emergency; and
(b) the county:
(i) is conducting or in good faith intends to conduct studies within a reasonable time; or
(ii) has held or is holding a hearing for the purpose of considering any of the following:
(A) a growth policy;
(B) zoning regulations; or
(C) a revision to a growth policy, to a master plan, as provided for in 76-1-604(6) and 76-2-201(2), or to zoning regulations pursuant to this part.
(2) ~~An interim~~ A resolution for an interim zoning district or interim regulation must be limited to 1 year from the date it becomes effective. ~~The~~ Subject to subsection (3)(c), the board of county commissioners may extend the ~~interim~~ resolution for 1

year, but not more than one extension may be made.

(3) The board of county commissioners shall observe the following procedures in the establishment of an interim zoning district or interim regulation:

(a) Notice of a public hearing on the proposed interim zoning district boundaries or of the interim regulation must be published once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

(i) the boundaries of the proposed district;

(ii) the specific emergency or exigent circumstance compelling the establishment of the proposed interim zoning district or interim regulation;

(iii) the general character of the proposed interim zoning district or interim regulation;

(iv) the time and place of the public hearing; and

(v) that the proposed interim zoning district or interim regulation is on file for public inspection at the office of the county clerk and recorder.

(b) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed establishment of an interim zoning district or interim regulation.

(c) After the hearing, the board of county commissioners may adopt a resolution to establish an interim zoning district or interim regulation."

Insert: "Section 12. Section 76-2-210, MCA, is amended to read:

"76-2-210. Enforcement of zoning provisions. (1) ~~In case~~ If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any resolution ~~made under authority conferred hereby, the proper authorities of~~ adopted under this part, the county, in addition to other remedies, may institute any appropriate action or proceedings to:

(a) prevent ~~such~~ the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; ~~to~~

(b) restrain, correct, or abate ~~such~~ a violation; ~~to~~

(c) prevent the occupancy of ~~such~~ the building, structure, or land; or ~~to~~

(d) prevent any illegal act, conduct, business, or use in or ~~about such~~ near the premises.

(2) The county shall attempt to obtain voluntary compliance at least 30 days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-211.

~~(2)~~(3) The board of county commissioners may appoint enforcing officers to supervise and enforce the provisions of the zoning resolutions."

Renumber: subsequent sections

17. Page 8, line 30 through page 9, line 1.
Following: "subdivision," on page 8, line 30
Insert: "the"
Strike: "and" on page 8, line 30 through "lots" on page 9, line 1

18. Page 13, line 10.
Strike: "deny or conditionally"
Following: "approve"
Insert: ", conditionally approve, or deny"

19. Page 14.
Following: line 18
Insert: **"Section 18.** Section 76-3-510, MCA, is amended to read:

"76-3-510. Payment for extension of capital facilities. (1) A local government may require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. The costs must reasonably reflect the expected impacts directly attributable to the subdivision. A local government may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.

(2) All fees, costs, or other money paid by a subdivider under this section must be expended on the capital facilities for which the payments were required.""
Renumber: subsequent sections

20. Page 18.
Following: line 18
Insert: **"Section 23.** Section 76-3-621, MCA, is amended to read:

"76-3-621. Park dedication requirement. (1) Except as provided in 76-3-509 or subsections (2), (3), and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation equal to:

(a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;

(b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;

(c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

(d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

(2) When a subdivision is located totally within an area for which density requirements have been adopted pursuant to a

growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the growth policy or regulations. Park dedication requirements established under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per dwelling unit.

(3) A park dedication may not be required for:

(a) land proposed for subdivision into parcels larger than 5 acres;

(b) subdivision into parcels that are all nonresidential;

(c) a subdivision in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums; ~~or~~

(d) a subdivision in which only one additional parcel is created; or

(e) a first minor subdivision from a tract of record as described in 76-3-609(2).

(4) The governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and

(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

(c) The governing body may not use more than 50% of the dedicated money for park maintenance.

(6) The local governing body shall waive the park dedication requirement if:

(a) (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and

(ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1);

(b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

(ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1);

(c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1); or

(d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

(ii) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (1).

(7) The local governing body may waive the park dedication requirement if:

(a) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and

(b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a), equals or exceeds the area of the dedication required under subsection (1).

(8) A local governing body may, at its discretion, require a park dedication for a subsequent minor subdivision as described in 76-3-609(3). A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required.

(9) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to be used for school facilities or buildings.

(10) For the purposes of this section:

(a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and

(b) "dwelling unit" means a residential structure in which a person or persons reside.

(11) A land donation under this section may be inside or outside of the subdivision.""

Renumber: subsequent sections

21. Page 19.
Following: line 15
Insert: "NEW SECTION. **Section 26. Codification instruction.** [Section 6] is intended to be codified as an integral part of

Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 6]."
Renumber: subsequent sections

22. Page 19.
Following: line 17
Insert: "NEW SECTION. **Section 28. Applicability.** [Sections 15, 22, and 24], concerning adoption of regulations and time references in the regulations, apply upon adoption of regulations under [section 15] or on May 1, 2010, whichever occurs first."

- END -

All Notices are to be printed, none will be EMailed

COMMITTEE FILE COPY

TABLED BILL

The **SENATE TAXATION COMMITTEE** TABLED **HB 522, HB 608**, by motion, on **Friday, March 27, 2009**.

(For the Committee)

(Secretary of the Senate)

4:40 / 3/27
(Time) (Date)

March 27, 2009 Debra L. Polhemus, Secretary Phone: 4685

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Local Gov't committee because of other commitments. I desire to leave my proxy vote with:

Sen. K. Gillan

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB420		
amend	X	
dcaa	X	
HB 630		
amend (Esp.)		X
DCAA	X	
HB 486		
amend (Esp)	X	√*
amend (Esp)		X
amend (Gillan)	X	
amend (Gillan)	X	
amend (Jackson)		X
con. amend. (ESS.)		X
do con. as. amend	X	

see Note → below

BILL/AMENDMENT	AYE	NO
HB 608		
amend.	X	
dcaa	X	
HB 522		
amend	X	
Table		X

Sen. Ron Erickson (Signature)

Date 3/27/09

R. Erickson

S:\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

*- Although proxy vote on 3/27/09 was 'aye' - Sen. Erickson requested his vote be changed to "NO". There was no objection to this request, and the change didn't affect the outcome. 3/30/09 D. Polhemus

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Local Govt committee because of other commitments. I desire to leave my proxy vote with:

Sen. Gillan

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB630		
be amend.		X
HB486		
be amend. #1	X	
be amend. #2		X

BILL/AMENDMENT	AYE	NO

Sen. [signature] (Signature)

S. Galles

Date 3/27/09

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 3.30.09
BILL NO. HB608

Amendments to House Bill No. 608
3rd Reading Copy

Requested by Senator Jesse Laslovich

For the Senate Local Government Committee

Prepared by Greg Petesch
March 30, 2009 (2:41pm)

1. Title, lines 4 and 5.
Following: "LIEN" on line 4
Strike: remainder of line 4 through "PROCEEDS" on line 5
Strike: "SECTION 33-24-104,"
Insert: "SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502,"

2. Title, line 6.
Strike: "AND AN APPLICABILITY DATE"

3. Page 1, line 10 through line 25.
Strike: everything after the enacting clause
Insert: "Section 1. Section 27-18-101, MCA, is amended to read:
"27-18-101. Cases in which property may be attached. (1) Property may be attached in:
(a) an action upon a contract, express or implied, for the direct payment of money where the contract:
(i) is not secured by any mortgage or lien upon real property; or
(ii) is originally secured and such security has, without any act of the plaintiff or the person to whom the security was given, become valueless; ~~and~~
(b) an action based upon a statutory stockholders' liability; and
(c) an action by a local government for the purpose of ensuring debris removal if it is determined that the underlying property is worth less than the cost of debris removal.
(2) Attachment may not issue if the defendant gives security to pay the judgment.
(3) For the purpose of this section, the guaranty of a loan in which the only condition precedent to the obligation of the guarantor is the default of the principal is an unconditional contract for the direct payment of money."
{*Internal References to 27-18-101: 27-18-202x* }"
Insert: "Section 2. Section 27-18-202, MCA, is amended to read:
"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:
(1) facts which show the defendant is indebted to the

plaintiff in the manner specified in 27-18-101(1);

(2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;

(3) facts creating a reasonable belief that the defendant:

(a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;

(b) is disposing or about to dispose of ~~his~~ property which would be subject to execution;

(c) has the power to dispose of or conceal or remove from the state property ~~which~~ that would be subject to execution; or

(d) is likely to suffer liens or encumbrances on ~~his~~ the defendant's property ~~which~~ that would be subject to execution;

(4) a particular description and the actual value of the property to be attached;

(5) facts creating a reasonable basis for a local government belief that the underlying property is worth less than the cost of debris removal."

{*Internal References to 27-18-202:*
27-18-203x *27-18-205 x* *27-18-1501x* }"

Insert: "Section 3. Section 27-18-203, MCA, is amended to read:

"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have~~ debt has become due, or upon a local government debris removal issue, when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

(1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which~~ that might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or

(2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government."

{*Internal References to 27-18-203:*
27-18-901x *27-18-901x* }"

Insert: "Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if ~~such~~ the amount ~~be~~ is $1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds $1,000, then in a sum equal to ~~such~~ that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of $20,000. The condition of ~~such~~ the undertaking ~~shall~~ must be to the effect that if the defendant recovers judgment or if the court finally decides that

the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant and all damages ~~he~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking."

{*Internal References to 27-18-204: 27-18-205* }"

Insert: "Section 5. Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than $50 or more than $300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking."

{*Internal References to 27-18-1502: None.*}"

Insert: "NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective on passage and approval."

- END -

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Monday, March 30, 2009 **Time:** 3:00 pm
Place: Capitol **Room:** 405

BILLS and RESOLUTIONS HEARD:

NONE

EXECUTIVE ACTION TAKEN:

HB449- Do Concur As Amended
HB608- Do Concur As Amended

COMMENTS:

SEN. John Esp, Chairman

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT COMMITTEE

DATE: March 30, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman John Esp	✓	
Vice Chair Jeff Essmann	✓	
Senator Gregory Barkus	✓	
Senator Ron Erickson	✓	
Senator Steve Gallus	✓	
Senator Kim Gillan		✓
Senator Verdell Jackson	✓	
Senator Jesse Laslovich	✓	
Senator Bruce Tutvedt	✓	

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 449** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator John Esp, Chair

To be carried by Senator Steven Gallus

And, that such amendments read:

1. Title, lines 9 through 11.
Strike: "PROVIDING" on line 9 through "DISTRICT;" on line 11

2. Title, lines 17 and 18.
Strike: "REQUIRING" on line 17 through "SERVICES;" on line 18

3. Page 5, line 20 through page 6, line 12.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

4. Page 6, line 17.
Strike: "(4)"
Insert: "(3)"

5. Page 6, line 20.
Strike: "(5)"
Insert: "(4)"

6. Page 12, line 3 through line 10.
Strike: sections 12 and 13 in their entirety
Renumber: subsequent section

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

DR

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 608** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator John Esp, Chair

To be carried by Senator Jesse Laslovich

And, that such amendments read:

1. Title, lines 4 and 5.
Following: "LIEN" on line 4
Strike: remainder of line 4 through "PROCEEDS" on line 5
Strike: "SECTION 33-24-104,"
Insert: "SECTIONS 27-18-101, 27-18-202, 27-18-203, 27-18-204, AND 27-18-1502,"

2. Title, line 6.
Strike: "AND AN APPLICABILITY DATE"

3. Page 1, line 10 through line 25.
Strike: everything after the enacting clause
Insert: **"Section 1.** Section 27-18-101, MCA, is amended to read:
"27-18-101. Cases in which property may be attached. (1) Property may be attached in:
(a) an action upon a contract, express or implied, for the direct payment of money where the contract:
(i) is not secured by any mortgage or lien upon real property; or
(ii) is originally secured and such security has, without any act of the plaintiff or the person to whom the security was given, become valueless; ~~and~~
(b) an action based upon a statutory stockholders' liability; and

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

HB0608001SC01328.sdr

(c) an action by a local government for the purpose of ensuring debris removal if it is determined that the underlying property is worth less than the cost of debris removal.

(2) Attachment may not issue if the defendant gives security to pay the judgment.

(3) For the purpose of this section, the guaranty of a loan in which the only condition precedent to the obligation of the guarantor is the default of the principal is an unconditional contract for the direct payment of money.""

Insert: "Section 2. Section 27-18-202, MCA, is amended to read:

"27-18-202. Plaintiff's affidavit. When attachment of a defendant's property is sought, an affidavit must be made by the plaintiff or someone ~~in his~~ on the plaintiff's behalf stating:

(1) facts which show the defendant is indebted to the plaintiff in the manner specified in 27-18-101(1);

(2) that the attachment is not sought to hinder, delay, or defraud any creditor of the defendant;

(3) facts creating a reasonable belief that the defendant:

(a) is leaving or about to leave this state taking ~~with him~~ property, money, or other effects which might be subjected to payment of the debt;

(b) is disposing or about to dispose of ~~his~~ property which would be subject to execution;

(c) has the power to dispose of or conceal or remove from the state property ~~which~~ that would be subject to execution; or

(d) is likely to suffer liens or encumbrances on ~~his~~ the defendant's property ~~which~~ that would be subject to execution;

(4) a particular description and the actual value of the property to be attached;

(5) facts creating a reasonable basis for a local government belief that the underlying property is worth less than the cost of debris removal.""

Insert: "Section 3. Section 27-18-203, MCA, is amended to read:

"27-18-203. Affidavit requirements when debt not yet due. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the ~~same shall have~~ debt has become due, or upon a local government debris removal issue, when it ~~shall appear~~ appears by the affidavit, in addition to what is required in 27-18-202:

(1) that the defendant is leaving or is about to leave this state, taking ~~with him~~ property, ~~moneys~~ money, or other effects ~~which~~ that might be subjected to the payment of the debt, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government; or

(2) that the defendant is disposing of ~~his~~ property or is about to dispose of ~~his~~ property, subject to execution, for the purpose of defrauding ~~his~~ the defendant's creditors or a local government.""

Insert: "Section 4. Section 27-18-204, MCA, is amended to read:

"27-18-204. Plaintiff's undertaking. Before issuing the

writ, the court must require a written undertaking on the part of the plaintiff, except a local government, with two or more sufficient sureties to be approved by the court, in a sum not less than double the amount claimed by the plaintiff if ~~such~~ the amount ~~be~~ is $1,000 or under or, in case the amount ~~so~~ claimed by plaintiff ~~shall exceed~~ exceeds $1,000, then in a sum equal to ~~such~~ that amount. ~~In no case shall an~~ An undertaking may not be required exceeding ~~in amount~~ the sum of $20,000. The condition of ~~such~~ the undertaking ~~shall~~ must be to the effect that if the defendant recovers judgment or if the court finally decides that the plaintiff was not entitled to an attachment, the plaintiff will pay all costs that may be awarded to the defendant and all damages ~~he~~ the defendant may sustain by reason of the issuing of the attachment, not exceeding the sum specified in the undertaking.""

Insert: "Section 5. Section 27-18-1502, MCA, is amended to read:

"27-18-1502. Plaintiff's undertaking. Before issuing the writ, the justice must require a written undertaking in due form on the part of the plaintiff, except a local government, with two or more sureties, in a sum of not less than $50 or more than $300, to the effect that if defendant recover judgment, the plaintiff will pay all costs that may be awarded to defendant and all damages ~~which he~~ that the defendant may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.""

Insert: "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

- END -

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from local Govt committee because of other commitments. I desire to leave my proxy vote with:

J. Laslovich

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB449		
be amend.	✓	
be amend	✓	
dcaa	✓	
HB608		
be amend	✓	
dcaa	✓	

BILL/AMENDMENT	AYE	NO

Sen. Ken Gillan (Signature)

K. Gillan

Date 3/30/09

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